

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>In Re:</b>	:	<b>18-04189-RNO</b>
<b>David Kolbenson</b>	:	
<b>Patricia Kolbenson</b>	:	
<b>Debtors</b>	:	<b>Chapter 13</b>
<hr/>		
<b>CAPITAL ONE AUTO FINANCE,</b>	:	
<b>A division of Capital One, N.A.</b>	:	
<b>Movant</b>	:	
<b>Vs.</b>	:	
	:	
<b>DAVID KOLBENSON and</b>	:	
<b>PATRICIA KOLBENSON</b>	:	
<b>Respondents</b>	:	
<b>And</b>	:	
	:	
<b>CHARLES J. DeHART, III</b>	:	
<b>Trustee</b>	:	

**DEBTORS' RESPONSE IN OPPOSITION TO MOTION FOR RELIEF**

AND NOW, comes the Debtors, David Kolbenson and Patricia Kolbenson, by and through their attorneys, Mattes & Mattes, P.C., who responds to the Movant's Motion as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied. After a reasonable investigation, Debtors are unable to ascertain the truth or accuracy of the averment. It is, therefore, denied and strict proof is demanded. By way of further response, it is disputed that Movant has standing to assert this claim.
6. Denied as stated. While it is acknowledged that the vehicle is encumbered with a secured interest, the balance owed is disputed. By way of further response, it is disputed that Movant has standing to assert the claim.
7. Denied. The averment states a conclusion of law to which no responsive pleading is required, none is given.

8. Denied as stated. Movant does not have accurate records and Debtors have been unable to make payments as creditor will not accept same.

9. Denied. To the contrary, the value of the vehicle is less than stated and is only \$6,730.00.

10. Denied. The averment states a conclusion of law to which no responsive pleading is required, none is given.

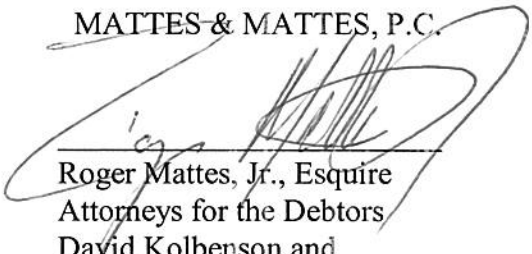
11. Admitted. By way of further response, it is denied that Movant has standing to make the instant Motion and/or is entitled to relief.

12. Denied as stated. By way of further response, the depreciation on the vehicle is no more and no less than prior to the filing of the bankruptcy and, therefore, Rule 4001(a)(3) should not be waived.

13. Denied. After a reasonable investigation, Debtors are unable to ascertain the truth or accuracy of the averment. It is, therefore, denied and strict proof is demanded.

WHEREFORE, Debtors pray that this Honorable Court deny the Movant's Motion in its entirety.

MATTES & MATTES, P.C.



Roger Mattes, Jr., Esquire  
Attorneys for the Debtors  
David Kolbenson and  
Patricia Kolbenson  
324 N. Washington Ave  
Scranton PA 18503  
(570) 969-2222  
Attorney ID No. 64691

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